

Sponsored By: Senator(s) Rothfuss, Burns, Christensen, Coe,
Nicholas, P., Pappas, Von Flatern and
Wasserburger and Representative(s) Brown,
Connolly, Lockhart, Madden, Paxton, Petroff and
Zwonitzer, Dn.

AN ACT relating to discrimination; prohibiting discrimination based on sexual orientation or gender identity as specified; providing an exception; and providing for an effective date.

1/22/2015 Bill Number Assigned
1/22/2015 S Received for Introduction
1/23/2015 S Introduced and Referred to S01 - Judiciary
2/3/2015 Judiciary:Recommend Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Esquibel, F., Kinskey, Von Flatern

Nays: Senator Hicks

Ayes 4 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/3/2015 S Placed on General File

SF0115SW001/ADOPTED

(CORRECTED CORRECTED COPY)

Page 1-line 8 Delete "is" insert ", 6-9-105 and 27-1-116
are".

Page 1-lines 12 through 14 Delete and insert:

"(a) With respect to sexual orientation and gender identity, nothing in this article or any other provision of law related to discrimination in employment shall apply to a religious organization."

Page 2-lines 1 through 23 Delete.

Page 3- lines 1 and 2 Delete and insert:

"6-9-105. Definitions.

(a) As used in W.S. 6-9-101 through 6-9-105:

(i) "Gender identity" means an individual's actual or perceived gender, appearance, mannerisms or other characteristics with or without regard to the individual's sex at birth;

(ii) "Religious organization" means a religious corporation, association, educational institution, society, trust or any entity or association which is a wholly owned or controlled subsidiary or agency of any religious corporation, association, society, trust or corporation sole;

(iii) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual or bisexual.

27-1-116. Definitions.

(a) As used in this title:

(i) "Gender identity" means as defined by W.S. 6-9-105(a) (i);

(ii) "Religious organization" means as defined by W.S. 6-9-105(a) (ii);

(iii) "Sexual orientation" means as defined by W.S. 6-9-105(a) (iii).".

Page 3-line 7 After "(ii)" insert "and by creating new subsections (e) and (f)".

Page 9-after line 16 Insert:

"(e) The following shall be exempt under this article from employment practices relating to sexual orientation and gender identity:

(i) A religious organization.

(f) Nothing in this article shall be interpreted to require an employer subject to this article to give preferential treatment to any employee or applicant for employment because of the employee's or applicant's sexual orientation or gender identity on account of any imbalance in the total number or percentage of employees of a specific sexual orientation or gender identity employed by the employer or otherwise admitted to membership or classified by any labor organization or admitted to or employed in, any apprenticeship or other training program." PERKINS, KINSKEY

SF0115SW002/ADOPTED

Page 1-lines 12 through 14 In the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC) to these lines in subsection (a) inserted by that amendment after "apply to" insert ": (i)"; after "organization" insert "; or

(ii) An expressive association whose employment activities would otherwise be protected by this article but whose right of expressive association under the first amendment of the United States constitution would be significantly burdened by application of this article or by any other provisions of law related to discrimination in employment".

Page 9-after line 16 In the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC) to these lines in paragraph (e)(i) inserted by that amendment after "organization" insert "; or

(ii) An expressive association whose employment activities would otherwise be protected by this article but whose right of expressive association under the first amendment of the United States constitution would be significantly burdened by application of this article or by any other provisions of law related to discrimination in employment". PERKINS

2/6/2015 S COW Passed

SF0115S2001/WITHDRAWN

SF0115S2002/ADOPTED (CORRECTED COPY)

Delete the second Perkins Committee of the Whole Amendment (SF0115SW002/A) entirely and further amend as follows.

Page 1-lines 12 through 14 In the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC) to these lines in subsection (a) inserted by that amendment after "apply to" insert ": (i)"; after "organization" insert "; or

(ii) An expressive association:

(A) Whose primary purpose and function are grounded in religious teachings;

(B) Which is not organized for private profit;

(C) Whose employment activities would otherwise be subject to this article; and

(D) Whose right of expressive association under the first amendment of the United States constitution would be significantly burdened by application of this article or by any other provisions of law related to discrimination in employment".

Page 9-after line 16 In the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC) to these lines in paragraph (e)(i) inserted by that amendment after "organization" insert "; or

(ii) An expressive association:

(A) Whose primary purpose and function are grounded in religious teachings;

(B) Which is not organized for private profit;

(C) Whose employment activities would otherwise be subject to this article; and

(D) Whose right of expressive association under the first amendment of the United States constitution would be significantly burdened by application of this article or by any other provisions of law related to discrimination in employment". PERKINS

SF0115S2003/FAILED

Page 1-line 3 Delete "providing an exception;".

Page 1-lines 8 through 14 Delete, including the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC), the Perkins Committee of the Whole Amendment (SF0115SW002/A) and the Perkins Second Reading Amendment (SF0115S2002/AC) to these lines.

Page 2-lines 1 through 23 Delete, including the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC) to these lines.

Page 3-lines 1 and 2 Delete, including the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC) to these lines.

Page 3-line 4 Delete "**Section 2.**" insert "**Section 1.**"; delete "6-9-102(a),".

Page 3-line 6 Delete "27-4-302(a)(intro) and".

Page 3-line 7 Delete through "and (ii),".

Page 4-lines 6 through 11 Delete, including the Hicks Second Reading Amendment (SF0115S2001/A) to these lines.

Page 8-lines 1 through 23 Delete, including the Hicks Second Reading Amendment (SF0115S2001/A) to these lines.

Page 9-lines 2 through 16 Delete, including the Perkins et. al Committee of the Whole Amendment (SF0115SW001/AC), the Perkins Committee of the Whole Amendment (SF0115SW002/A), the Hicks Second Reading Amendment (SF0115S2001/A) and the Perkins Second Reading Amendment (SF0115S2002/AC) to these lines. CASE

2/9/2015 S 2nd Reading:Passed

SF0115S3001/FAILED

Page 9-after line 16 In the Perkins Second Reading Amendment (SF0115S2002/AC) to this line before "(ii)" inserted by that amendment delete "or"; in subparagraph (ii)(D) inserted by that amendment after "employment" insert "; or
(iii) An employer with less than fifteen (15) employees".

MEIER

ROLL CALL

Ayes: Senator(s) Barnard, Bebout, Case, Dockstader, Geis, Hicks, Johnson, Kinskey, Meier, Peterson, Scott

Nays: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Burns, Christensen, Coe, Cooper, Craft, Driskill, Emerich, Esquibel, Hastert, Landen, Nicholas Pres, Pappas, Perkins, Ross, Rothfuss, Von Flatern, Wasserburger

Ayes 11 **Nays** 19 **Excused** 0 **Absent** 0 **Conflicts** 0

2/10/2015 S 3rd Reading:Passed 24-6-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Burns, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, Hastert, Johnson, Kinskey, Landen, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Barnard, Bebout, Case, Geis, Hicks, Meier

Ayes 24 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 0

2/11/2015 H Received for Introduction

2/18/2015 H Introduced and Referred to H10 - Labor

2/23/2015 Labor:Recommend Amend and Do Pass 6-2-0-1-0

ROLL CALL

Ayes: Representative(s) Baldwin, Barlow, Dayton, Harvey, Larsen, Schwartz

Nays: Representative(s) Kasperik, Wilson

Absent: Representative Edmonds

Ayes 6 **Nays** 2 **Excused** 0 **Absent** 1 **Conflicts** 0

2/23/2015 H Placed on General File

SF0115HS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 3 Delete "an exception" insert "exceptions".

Page 2-line 10 After "teachings" insert ", or the expression or teaching of religious viewpoints".

Page 3-line 13 After "subsidiary" insert ", affiliate".

Page 4-line 11 After "6-9-101(a)" insert "and by creating new subsections (c) and (d)"; after "6-9-102(a)" insert "and by creating a new subsection (c)".

Page 5-After line 12 Insert:

"(c) Nothing in this section shall constitute a defense against any violation of a state criminal statute.

(d) With respect to sexual orientation and gender identity, nothing in subsection (a) shall be construed to apply to the noncommercial properties, services or activities of a religious organization as defined in W.S. 6-9-105(a)(ii) or an expressive association as defined in W.S. 6-9-104(a)(ii)."

Page 5-After line 19 Insert:

"(c) Notwithstanding any other provision of law, no religious official, religiously affiliated organization or association, religious school or expressive association shall be retaliated against, penalized, prosecuted, disciplined, investigated, discriminated against or denied rights, benefits, advantages or privileges or be subjected to any legal or administrative claim, liability or proceeding because of a religious belief, teaching, exercise, practice or policy relating to sexual orientation or gender identity."

Page 11-line 5 After "organization" insert "as defined in W.S. 6-9-104(a)(ii)".

Page 11-line 10 After "teachings" insert ", or the expression or teaching of religious viewpoints". HARVEY, CHAIRMAN

SF0115HW001/WITHDRAWN

SF0115HW002/WITHDRAWN

SF0115HW003/WITHDRAWN

SF0115HW004/WITHDRAWN

SF0115HW005/ADOPTED (TO ENGROSSED COPY)

Delete the Barlow et al. committee of the whole amendment (SF0115HW001/AE) entirely.

Delete the Lindholm et al. committee of the whole amendment (SF0115HW002/AE) entirely.

Delete the Lindholm et al. committee of the whole amendment (SF0115HW003/AE) entirely.

Delete the Larsen committee of the whole amendment (SF0115HW004/AE) entirely.

Page 4-line 11 Delete "1-11-101(b), 6-9-101(a),"; in the standing committee amendment (SF0115HS001/AE) to this line, delete "and by creating new subsections (c) and (d)".

Page 4-line 12 After "9-2-1022(a)(v)," delete balance of line.

Page 4-line 13 Delete through "21-4-303,"

Page 4-line 15 After "(f)," delete balance of line.

Page 4-line 16 Delete "42-4-107(b)".

Page 4-lines 18 through 23 Delete entirely.

Page 5-lines 2 through 12 Delete entirely including the standing committee amendment (SF0115HS001/AE) to these lines.

Page 6-lines 11 through 23 Delete entirely.

Page 7-lines 2 through 23 Delete entirely.

Page 8-lines 1 through 22 Delete entirely.

Page 12-lines 12 through 21 Delete entirely.

Page 13-lines 1 through 19 Delete entirely. MADDEN

2/24/2015 H COW Failed 26-33-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Berger, Blake, Brown Speaker, Byrd, Campbell, Connolly, Dayton, Esquibel, Freeman, Harvey, Kirkbride,

Krone, Larsen Lloyd, Lindholm, Lockhart, Madden, Nicholas, Paxton, Pelkey, Petroff, Schwartz, Sommers, Throne, Zwonitzer,Dn, Zwonitzer,Dv

Nays: Representative(s) Allen, Baker, Baldwin, Blackburn, Burkhart, Cannady, Clem, Edmonds, Edwards, Eklund, Gay, Greear, Halverson, Harshman, Hunt, Jaggi, Jennings, Kasperik, Kroeker, Laursen Dan, Loucks, McKim, Miller, Moniz, Northrup, Piiparinen, Pownall, Reeder, Steinmetz, Stubson, Walters, Wilson, Winters

Excused: Representative Patton

Ayes 26 **Nays** 33 **Excused** 1 **Absent** 0 **Conflicts** 0